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Remarks

This is in response to the Final Office Action dated October 2, 2006.

Claims 1 and 19 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, the examiner pointing out that he was "not clear as to what the articles constitute".

In response to this rejection, even though believing this rejection to be without merit, claim 1 nonetheless has been amended to specifically point out that the articles are "desired articles". Having thus been amended, it is believed that claim 1 is devoid of any indefiniteness issue, even when looked at from the point of view of the examiner.

The rejection of claims 1 and 19 has been maintained under 35 U.S.C. 103(a) as being unpatentable over Savage (USP No. 6,026,372).

Applicants respectfully submit that the examiner has erred in his rejection, as explained hereinbelow once again with respect to the differences between the present invention, as set forth in claim 1, and Savage.<sup>1</sup>

Savage discloses a computer system. In this system, means 34 computes the desired quantity under special circumstances, means 36 registers the total desired value, means 44 computes a proper time to transmit a cooking instruction, means 38 registers

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<sup>1</sup> The examiner is reminded that Savage was applied against claims 1 and 19 in previous Office Actions, with the last dated August 3, 2005, and withdrawn in response to the amendment filed on January 25, 2006. It is hoped that the examiner does not intend to revisit grounds that were previously covered in future office actions, if any. In addition to the comments made in this response, the comments made in the previous responses to Savage remain equally applicable and are incorporated herein.

mode switching means for switching a first display mode by said display means using said prediction means and a second display mode by said second display means and in response to a display mode switching signal.

7. (Withdrawn) An electronic cash register system as claimed in claim 6, wherein said display controller further comprises:

setting means for setting a time zone of operating said prediction means;  
clock means for generating a time signal representing the present time;  
mode switching signal generation means for generating said display mode switching signal when said present time is at said time zone.

8. (Withdrawn) An electronic cash register system as claimed in claim 6, wherein said display controller further comprises: mode switching signal generation means for generating said display mode switching signal in response to a rotary switch connected to said video kitchen controller.

9. (Withdrawn) An electronic cash register system as claimed in claim 6, wherein said display controller further comprises:

setting means for setting a plurality of different time zones; selecting means for selecting one of said different time zones in response to a selection signal;  
clock means for generating a time signal representing the present time; and  
mode switching signal generation means for generating said display mode switching signal when said present time is at said selected one of said different time zone.

10. (Withdrawn) An electronic cash register system as claimed in claim 6, wherein said electronic cash register further comprises:

display mode switching signal generation means for generating a display mode switching signal in response to switching command; and  
transmission means for transmitting said display mode switching signal and said display controller further comprises:

receiving means for receiving said display mode switching signal to supply said display mode switching signal to said mode switching means.

11. (Withdrawn) An electronic cash register system as claimed in claim 1, wherein said display controller further comprises:

historic data storing means for storing said data as historic data; and  
outputting means for outputting said historic data in response to an output command.

12. (Withdrawn) An electronic cash register system as claimed in claim 11, wherein said outputting means includes transmission means for transmitting said historic data in response to said output command, said electronic cash register further includes receiving means for receiving said historic data and printing means for printing said historic data.

13. (Withdrawn) An electronic cash register system as claimed in claim 11, wherein said display controller further comprises: historic data display means for displaying said historic data from said historic data storing means in response to a key switch.

14. (Withdrawn) An electronic cash register system as claimed in claim 1, wherein said display controller further comprises:

storing means for storing group codes, each code indicating resemble types of said articles, and said displaying means displaying said result at different areas in accordance with said group codes.

15. (Withdrawn) An electronic cash register system as claimed in claim 1, wherein said display controller includes:

stocked article data storing means for storing the number of articles of which the number is predicted by said prediction means;

time limit storing means for storing time limit data of said articles;

passage time measuring means for measuring passed time of said articles of which the number is predicted by said prediction means;

judging means for judging whether said measured passed time of said articles exceeds said time limit data; and

subtracting means for subtracting the number of articles judged that said measured passed time exceeds said time limit data from the number of stocked articles.

16. (Withdrawn) An electronic cash register system as claimed in claim 6, wherein said display controller further comprises:

display mode switching signal generation means for generating said display mode switching signal in response to a key switch connected to said video kitchen controller.

17 (Withdrawn) An electronic cash register system as claimed in claim 6, wherein said clock means further generates a date signal indicative of a day of a week, and said selection signal selects one of said different time zone in response to said date signal as said selection signal.

18. (Withdrawn) An electronic cash register system as claimed in claim 11, wherein said outputting means includes a recording means for recording said historic data in a recording medium.

19. (Previously presented) An electronic cash register system as claimed in claim 1, wherein said predetermined interval agrees with said preceding unit interval in length.

the number of each food item to be cooked with each cooking instruction, and means 50 registers the total quantity of food items on-hand and presently cooking.

Although the means 50 may arguably be similar to the second memory of the present invention, none of the means 44 and 38 teach a total number of sold articles or a total number of pending articles. Further, although the means 34 and 36 compute and register the desired quantity, Savage fails to teach or even suggest computation of the desired quantity in accordance with the total number of sold articles, the total number of stocked articles, the total number of pending articles and the average number of sold articles.

In contrast, in the present invention, a total number of desired articles are predicted in accordance with the total number of sold articles, the total number of stocked articles, the total number of pending articles and the average number of sold articles.

For the above reasons, it is respectfully submitted that claim 1 is now clearly patentably distinguishable from the teachings of Savage, and thus, the rejection under 35 U.S.C. 112 and 35 U.S.C. 103(a) should now be withdrawn and the case passed to issue.

In the event that the examiner still believes that pending claim 1 is not allowable over the prior art, he is respectfully requested to enter this amendment so as to remove any unwarranted indefiniteness issue from appeal.

Respectfully submitted,

  
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